

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A drive apparatus for performing a pseudo-overwrite recording for a write-once recording medium, wherein

the write-once recording medium includes a spare area and a user data area,

at least one track are allocated in the user data area,

the drive apparatus comprising:

a recording/reproduction section for performing a recording operation or a reproduction operation for the write-once recording medium; and

a drive control section for controlling the recording/reproduction section,

wherein the drive control section performs a process including:

receiving a recording instruction including a location at which data is to be recorded,

wherein the location at which data is to be recorded is a location at which previous data is recorded;

determining a track among at least one tracks corresponding to the location included in the recording instruction;

controlling the recording/reproduction section to record data at a replacement location in the user data area instead of the location included in the recording instruction;

determining whether or not the recording of the data at the replacement location in the user data area has succeeded; and

when the recording of the data at the replacement location in the user data area has failed, controlling the recording/reproduction section to record the data at a location in the spare area.

2. (Original) A drive apparatus according to claim 1, wherein

the drive control section performs a process further including:

determining whether or not the recording of the data at the location in the spare area has succeeded; and

when the recording of the data at the location in the spare area has failed, controlling the recording/reproduction section to record the data in the spare area until the recording of the data in the spare area has succeeded.

3. (Original) A drive apparatus according to claim 1, wherein the determined track is an open track.

4. (Original) A drive apparatus according to claim 1, wherein the determined track is a closed track having an unrecorded area.

Claims 5 and 6 (Cancelled)

7. (New) A write-once recording medium for performing a pseudo-overwrite recording, wherein

the write-once recording medium includes a spare area and a user data area,

at least one track are allocated in the user data area, and

wherein a process is performed on the write-once recording medium, the process including the steps of:

receiving a recording instruction including a location at which data is to be recorded, wherein the location at which data is to be recorded is a location at which previous data is recorded;

determining a track among at least one tracks corresponding to the location included in the recording instruction;

recording data at a replacement location in the user data area instead of the location included in the recording instruction;

determining whether or not the recording of the data at the replacement location in the user data area has succeeded; and

when the recording of the data at the replacement location in the user data area has failed, recording the data at a location in the spare area.

8. (New) A reproduction method for reproducing the write-once recording medium according to claim 7.